



FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
South Central Region

Miami Office
2210 NW 82nd Avenue
Miami, FL 33122

February 22, 2007

David F. Damerau
NationStorage, Inc.
812 NW 1st Street
Fort Lauderdale, FL 33311

NOTICE OF UNLICENSED OPERATION

Case Number: EB-06-MA-028
Document Number: W20073260005

On December 28, 2006, the Commission's Miami Office of the Enforcement Bureau ("Miami Office") warned you in writing about the unauthorized operation of a radio station on 99.5 MHz from Nation Storage, 812 NW 1st Street, Fort Lauderdale, FL 33311. According to property records, NationStorage, Inc. is the owner of this property. On January 24, 2007, agents from the Miami Office observed that the unlicensed broadcast radio station on 99.5 MHz continues to operate from Nation Storage, 812 NW 1st Street, Fort Lauderdale, FL 33311. The Commission's records show that no license was issued for operation of a broadcast station on 99.5 MHz at this location in Fort Lauderdale, FL.

Radio stations must be licensed by the FCC pursuant to 47 U.S.C. § 301. The only exception to this licensing requirement is for certain transmitters using or operating at a power level or mode of operation that complies with the standards established in Part 15 of the Commission's rules, 47 C.F.R. §§ 15.1 *et seq.* The field strength of the signal on frequency 99.5 MHz was measured at 134,840 μ V/m at 161 meters, which exceeded the maximum permitted level of 250 microvolts per meter (μ V/m) at 3 meters for non-licensed devices. Thus, this station is operating in violation of 47 U.S.C. § 301.

You are hereby warned that operation of radio transmitting equipment without a valid radio station authorization constitutes a violation of the Federal laws cited above and could subject the operator to severe penalties, including, but not limited to, substantial monetary fines, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment. (*see* 47 U.S.C. §§ 401, 501, 503 and 510).

UNLICENSED OPERATION OF THIS RADIO STATION MUST BE DISCONTINUED IMMEDIATELY.

You have ten (10) days from the date of this notice to respond with any evidence that you have authority to operate granted by the FCC or with the names of your tenants or other individuals who are operating an unlicensed radio station from your property and the steps, if any, you have taken to prevent such unlicensed activity. Your response should be sent to the address in the letterhead and reference the listed case and document number. Under the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), we are informing you that the Commission's staff will use all relevant material information before it to determine what enforcement action is required to ensure your compliance with FCC Rules. This will include any information that you disclose in your reply.

You may contact this office if you have any questions.

Gerardo Daubar
Resident Agent
Miami Office

Attachments:

Excerpts from the Communications Act of 1934, As Amended
Enforcement Bureau, "Inspection Fact Sheet", July 2003